

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
JOSEPH GUGLIELMO, on behalf of himself and  
all others similarly situated,

Plaintiff,

-against-

ONNIT LABS, INC.,

Defendant.

ANALISA TORRES, District Judge:

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20 Civ. 5565 (AT)

**ORDER**

On July 27, 2020, the Court ordered the parties to submit a joint letter and proposed case management plan by September 10, 2020. ECF No. 9 ¶¶ 4–5. That submission being overdue, the Court issued an order directing the parties to submit their joint letter and case management plan by September 15, 2020. ECF No. 12. This submission is overdue.

Accordingly the initial pretrial conference scheduled for September 17, 2020, is ADJOURNED to **October 1, 2020, at 11:40 a.m.**

The conference will proceed in accordance with the Court’s Emergency Rules and Practices in Light of COVID-19. Accordingly, it is ORDERED that at 11:40 a.m. on October 1, 2020, the parties shall call into the Court’s dedicated conference line at (888) 398-2342 or (215) 861-0674, and then enter the access code 5598827, followed by the pound sign.

It is ORDERED that the parties shall submit their joint letter and proposed case management plan by **September 24, 2020**.

Plaintiff has failed to comply with multiple court orders and is reminded that under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed “[i]f the plaintiff fails to prosecute or to comply with [the federal rules] or a court order.” “Rule 41(b) gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.” *Davis v. Town of Hempstead*, 597 F. App’x 31, 32 (2d Cir. 2015) (internal quotation marks omitted).

SO ORDERED.

Dated: September 16, 2020  
New York, New York



ANALISA TORRES  
United States District Judge